

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW MUCKEY,

Plaintiff,

v.

THE PHILHARMONIC-SYMPHONY  
SOCIETY OF NEW YORK, INC., AND  
ASSOCIATED MUSICIANS OF GREATER  
NEW YORK, LOCAL 802, AMERICAN  
FEDERATION OF MUSICIANS,

Defendants.

Case No. 24-cv-03348-AS

[rel. 1:24-cv-03356-AS, 1:24-cv-03987-AS]

**NOTICE OF DEFENDANT THE PHILHARMONIC-SYMPHONY SOCIETY OF NEW YORK, INC.'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that Defendant The Philharmonic-Symphony Society of New York, Inc. (“Society”) requests that the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure: (i) dismiss Counts II, IV, VI, and VIII of Plaintiff’s Amended Complaint in their entirety on the ground that the Amended Complaint fails to state a claim upon which relief may be granted; (ii) dismiss Society from the action with prejudice; and (iii) award Society such other relief as the Court may deem just and proper. In support of this motion, Society submits its Memorandum of Law in Support of Its Motion to Dismiss Plaintiff’s Amended Complaint and the accompanying declaration and exhibits attached thereto.

Dated: June 9, 2025

Respectfully submitted,

/s/ Ashley R. Lynam

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